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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,713	12/27/2001	Zhang Shao Wei	P1395	8628
24394	7590	03/28/2006		
LARIVIERE, GRUBMAN & PAYNE, LLP 19 UPPER RAGSDALE DRIVE SUITE 200 MONTEREY, CA 93940			EXAMINER HYLTON, ROBIN ANNETTE	
			ART UNIT 3727	PAPER NUMBER

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/033,713	Applicant(s) WEI, ZHANG SHAO	
	Examiner Robin A. Hylton	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 3, 2005 has been entered.

Election/Restrictions

2. The restriction requirement set forth in the previous Office action has been withdrawn. The following action on the merits includes all claims, including claims drawn to the combination of the container and liquid cleanser.

Double Patenting

3. Applicant is advised that should claims 36 and 37 be found allowable, claims 38 and 39 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 32,34,43,44,46,48, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Perali et al. (US 4,914,762).

Perali teaches a flexible container 1 comprising at least two flexible members 2,3 forming a chamber therebetween for containing fluids, said flexible members have a modulus of

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elasticity conducive to liquid containment and gaseous inflation (see column 2, lines 33-35), and flexible closure means **7** coupled to at least one of said flexible members, having a hollow cylinder having an open end and a sealed end, said sealed end extending into the chamber for selective flow restriction and for repetitive filling and expelling fluids from said chamber in response to squeezing force selectively applied to said closure means, said closure means further including a stopper means for sealing said open end of said hollow cylinder. Water (column 2, line 35) is a liquid cleanser.

Regarding the slit of figures 48 and 49, Perali teaches the valve can be any of the valves known in the art. A valve having a transfigurable slit disposed near the sealed end of the hollow cylinder is known in the art and was known at the time of the instant invention.

Regarding claims 43,44, and 46, the bag is of a recognizable geometric shape, i.e., rectangular.

Claim Rejections - 35 USC § 103

6. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perali in view of Marrone, II (US 5,007,449).

Wherein it can be argued Perali does not teach a valve having transfigurable slit disposed near the sealed end of the hollow cylinder, Perali is silent regarding the structure.

Marrone teaches a flexible container having a closure means having a hollow cylinder having a open end and a sealed end, said sealed end extending into the chamber, and a transfigurable slit disposed near the sealed end for selective flow restriction and for repetitive filling and expelling fluids from said chamber in response to squeezing force selectively applied to said closure means, said closure means further including a stopper means for sealing said open end of said hollow cylinder with a transfigurable slit **4** disposed near the sealed end **5**.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a transfigurable slit disposed near the sealed end of a hollow cylinder. Doing so prevents deflating of the container or loss of contents should the cap be removed accidentally or intentionally wherein no pressure is applied to the valve.

7. Claims 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 32 and 34 above, and further in view of Gewecke (US 3,368,560).

Perali as modified teaches the claimed flexible container except for a hanger on the flexible container.

Gewecke teaches a flexible container having a means for hanging the container attached to one of the flexible members.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further provide a hanging means to the modified container of Perali as taught by Gewecke. Doing so allows for conveniently hanging the container for display and/or drying by allowing excess fluid to drain toward the closure means.

8. Claims 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 32 and 34 above, and further in view of Canonica, Jr. (US 3,139,956).

Perali as modified teaches the claimed flexible container except for an insert in the container.

Canonica teaches it is known to provide a transparent container with an insert.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the container of Perali to provide an insert in the container chamber. Doing so provides an entertaining and enjoyable feature to the bag.

9. Claims 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perali.

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With respect to animal and flower shapes, Perali is silent to the bag having these shapes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bag of Perali animal shape or flower shaped since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

10. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perali.

Perali teaches the claimed bag except for a liquid emulsifier contained in the bag chamber.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to fill the chamber with an emulsifier since the examiner takes Official Notice of the equivalence of water and liquid emulsifier for their use in the art and the selection of any of these known equivalents to use a liquid cleanser would be within the level of ordinary skill in the art.

Response to Arguments

11. Applicant's arguments filed January 6, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the liquid cleanser is a liquid soap) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Wherein the other remarks in the above noted response are directed to the combination of prior art references not providing a teaching of liquid cleanser in the bag chamber, it is again pointed out that water is a liquid cleanser. The instant claims do not set forth a liquid soap.

Additionally, applicant fails to address the teaching of Perali for including a "liquid, e.g., water" in the chamber as set forth in column 2, lines 34 -35. The remarks by applicant address the use of air for filling the chamber, but not liquid.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art desirous of utilizing the combination of prior art references as applied herein. Canonica teaches the "tank 20 may be made of glass, transparent plastic or other suitable material, and is filled with water" (column 1, line 72 through column 2, line 1). Although the tank is not specifically set forth as an "inflatable bag or container", it is submitted that a tank of plastic material filled with water is sufficient teaching for figures contained therein. This teaching is applicable to an "inflatable bag or container" which is filled with water, i.e., Perali.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various prior art closures teaching features similar to those disclosed and/or claimed are cited for their disclosures.

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13. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

14. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number 571-273-8300 on the date shown below:

Typed or printed name of person signing this certificate

Signature_____

Date_____

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse, can be reached on (571) 272-4544.


Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
- Certificates of Correction (703) 305-8309
- Fee Questions (571) 272-6400
- Inventor Assistance Center (800) PTO-9199
- Petitions/special Programs (571) 272-3282
- Information Help line 1-800-786-9199
- Internet PTO-Home Page <http://www.uspto.gov>

RAH
March 19, 2006



Robin A. Hyllon
Primary Examiner
GAU 3727